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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,803	04/30/2001	Eldad Zeira	I-2-162.1US	3229
24374	7590	08/23/2006	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 08/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,803

Applicant(s)

ZEIRA ET AL.

Examiner

Raj K. Jain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General Remarks

Examiner withdraws finality of Office Action submitted 24 January 2006 based on Applicant's Pre-Appeal Brief questions request received June 29, 2006. Examiner resubmits amended Office Action for review by Applicant.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22, 25, 31, 34 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject claims recite "receiving and/or transmitting a CCTrCH" as appropriate. It is not clear from the specs or drawings how a CCTrCH is received or transmitted, one of skill in the art understands that a channel of any type is allocated for a particular use and not received or transmitted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miya et al (US 200200161) in view of Endo et al (US006035210A).

Regarding claims 22, 25, 28, 31, 34 and 37 Miya discloses a means, method and apparatus for downlink power control for use in a spread spectrum time division communication system having time slots for communication (see Fig. 1, paras 0009 and 0020) comprising:

- at a user equipment, receiving a CCTrCH over a plurality of time slots and transmitting at least one power command to a base station in response to a signal to interference ratio of the received CCTrCH (see Figs 2 and 5, paras 0009, 0058-0060, the mobile stations receives the signal via the control channel from the base station and transmits a TPC (power control) signal to the base station based on SIR measurements from the previous time slot. Figs. 2 & 5, disclose transmission and reception intervals of a mobile station in a communications system with plurality of time slots being either transmitted or received.);

- a transmission power level for each time slot of the plurality of time slots is set individually in response to the interference power measurement for that time slot and the power command (see Figs 2 and 5, paras 0009, 0058-0060, the mobile station performs the SIR measurements for each time slot from a plurality of time slots individually and transmits a TPC signal (D_i) back to the base station to increase or decrease downlink power transmission in the next time interval sequence).

Miya fails to disclose the user equipment sending interference power measurements to the base station.

Endo discloses the user equipment sending interference power measurements to the base station (see col 2 lines 17-22, col 10 lines 39-53).

Sending interference power measurements to the base station improves reception qualities for all users within a cell by minimizing the transmit power from the base station to the mobiles and therefore reducing overall network interference to each end user.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Endo within Miya of sending interference power measurements to the base station so as to improve reception qualities for all users within a cell by minimizing the transmit power from the base station to the mobiles and therefore reducing overall network interference to each end user.

Regarding claims 23, 26, 29, 32, 35 and 38 Miya discloses the use of time slots/frames for transmission of power control (see para 0009, 0058-0060 and Fig 5). Miya discloses the TDD frame format by time dividing the radio frequency and representing the timeslots with transmission timing "i" where $i=0,1,\dots$ representing the individual slots. The mobile station (MS) power control is based on the SIR measurements carried out by the MS for each timeslot "i".

Regarding claims 24, 27, 30, 33, 36 and 39 Miya discloses calculating interference power measurements for each timeslot based on the downlink reception data (R_i) received at the mobile station (see paras 0025, 0058-0060, Fig 5).

Response to Arguments

Applicant's arguments filed 21 November 2005 have been fully considered but they are not persuasive.

Applicant contends "Miya sends individual TPC for each timeslot, and fails to disclose use of a power command for the CCTrCH and an interference measurement for each timeslot. Such an arrangement is not disclosed in Miya."

The examiner disagrees, the applicant clearly describes within its specifications the correlation of TPC with CCTrCH (para 0007 of the spec) that is the TPC adjusts the transmit power level in all time slots, which is well known in the arts. However, Miya discloses power measurements "per time slot" again see Figs 2 and 5, paras 0009, 0058-0060, the mobile station performs the SIR measurements for each time slot from a plurality of time slots individually and transmits a TPC signal (D_i) back to the base station to increase or decrease downlink power transmission in the next time interval sequence.

Further, Endo was cited for disclosing the transmission of interference measurements since the recited claims of applicant include interference measurements. Sending interference power measurements to the base station improves reception qualities for all users within a cell by minimizing the transmit power from the base

station to the mobiles and therefore reducing overall network interference to each end user.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Endo within Miya of sending interference power measurements to the base station so as to improve reception qualities for all users within a cell by minimizing the transmit power from the base station to the mobiles and therefore reducing overall network interference to each end user.

Thus since Miya and Endo do disclose either alone or in combination the recited claims, the claims 22-30 and newly added claims 31-39 stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Ry Hain
RJ

August 10, 2006